

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CIGNA CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:23-cv-00093-RLW
	)	
AMY BRICKER and CVS HEALTH	)	
CORPORATION	)	
	)	
Defendants.	)	

**DEFENDANTS' JOINT RULE 12(b)(1) MOTION TO  
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendants Amy Bricker (“Ms. Bricker”) and CVS Health Corporation (“CVS”) move to dismiss the Complaint filed by Plaintiff Cigna Corporation (“Cigna”) under Rule 12(b)(1) for lack of subject matter jurisdiction. The only, albeit deficient, basis that Cigna alleges for invoking the Court’s federal subject matter jurisdiction over this state court employment dispute is a single, inadequately pled claim against Ms. Bricker alone under the Computer Fraud and Abuse Act (“CFAA”)—a federal criminal statute which provides for a private right of action in certain very limited circumstances. Cigna otherwise asserts purely state-law claims for breach of contract, misappropriation of trade secrets under the Missouri Uniform Trade Secrets Act, tortious interference with contract, common law unfair competition, unjust enrichment and conversion against Ms. Bricker and CVS. The CFAA claim against Ms. Bricker fails for three reasons: (i) Cigna cannot prove that Ms. Bricker “caused damage” to a protected computer as required under Section 1030(a)(5) of the CFAA; (ii) Ms. Bricker did not act “without authorization” as that phrase was recently interpreted by the United States Supreme Court decision in *Van Buren v. United States*, 141 S. Ct. 1648, 1660 (2021); and (iii) Cigna fails to establish it suffered compensable losses under the CFAA in excess of the \$5,000 jurisdictional threshold.

Upon dismissal of the CFAA claim, the Court should decline supplemental jurisdiction over Cigna's remaining state-law claims, and dismiss this action in its entirety under Rule 12(b)(1).

In support of this motion, Defendants incorporate by reference as though set forth herein Defendants' Memorandum in Support of Their Joint Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction, which is being filed contemporaneously herewith.

WHEREFORE, Defendants Amy Bricker and CVS Health Corporation respectfully request that this Court grant their Rule 12(b)(1) Motion to Dismiss, dismiss the CFAA claim brought against Ms. Bricker, decline supplemental jurisdiction over Cigna's remaining state-law claims, and dismiss this action in its entirety under Rule 12(b)(1). Defendants further request such other and further relief as the Court deems just and proper.

Dated: January 31, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2023 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system.

/s/ Jeffrey L. Schultz